



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PRICE HENEVELD COOPER DEWITT  
& LITTON, LLP  
695 KENMOOR, S.E.  
P.O. BOX 2567  
GRAND RAPIDS, MI 49501

MAILED

NOV 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,370,455 :  
Application No. 10/567,885 :  
Filed: February 09, 2006 : NOTICE UNDER 37 CFR. 1.28(c)  
Attorney Docket No. OLI02 P-361 :  
:

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman Page  
Petitions Examiner  
Office of Petitions